

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
| |) | Conf. No.: 5767 |
| Nicholas J. Hammond |) | |
| |) | Art Unit No.: 2131 |
| Application No.: 09/592,404 |) | |
| |) | Examiner: Christian A. LaForgia |
| Filed: June 13, 2000 |) | |
| |) | Docket No.: 05456.105045 |
| Title: Method and System for Auditing |) | |
| Network Security |) | |

**RESPONSE TO THE MARCH 3, 2006 INFORMATION REQUIREMENT NOTICE,
THE JULY 26, 2006 NOTICE OF NON-COMPLIANT AMENDMENT, AND THE
SEPTEMBER 5, 2007 NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the "Information Requirement" notice from the USPTO mailed March 3, 2006, the Notice of Non-Compliant Amendment mailed on July 26, 2006 to Applicant's prior counsel and the replacement Notice of Non-Compliant Amendment mailed on September 5, 2007, after a grant of a petition to withdraw a holding of abandonment under 37 C.F.R. § 1.181 Applicant submits this response. The replacement Notice of Non-Compliant Amendment set an extendable deadline of thirty days or one month, whichever is longer, within which to provide a proper response.

Submitted with this response is a Supplemental Information Disclosure Statement ("Supplemental IDS") and accompanying Forms PTO-SB/08A and SB/08B. Applicant previously authorized the Commissioner to charge the \$180.00 fee set forth in 37 C.F.R. § 1.17(p) for the IDS provided on July 21, 2005. To the extent a new fee is required for the

I hereby certify that this correspondence is being electronically transmitted to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450, Attn: Examiner LaForgia on September 14, 2007.

/James M. Hannon/
James M. Hannon, Reg. No. 48,565

Supplemental IDS, the Commissioner is authorized to charge the fee to Deposit Account No. 09-0457.

I. Requirement for Information Under 37 C.F.R. §1.105

In the USPTO Office Action mailed March 3, 2006, the Examiner required the Applicant to specifically explain or point out the relevant sections of each document listed on the IDS filed July 21, 2005. The Examiner asserted that this information is necessary due to the large quantity of documents listed in the July 21, 2005, IDS. Applicant responded on May 3, 2006 explaining that, in an effort to assist the Examiner, Applicant: i) had already performed a keyword search of the patent references identified in the previous IDS, ii) had organized the patent references by classification, and iii) provided additional identifying information about the references.

The Notice of Non-Compliant Amendment mailed from the USPTO Examiner on July 26, 2006, stated that Applicant's response of May 3, 2006, was not fully responsive to the March 3, 2006 Office Action. In particular, the Examiner stated that he did not ask for keywords and related products used to find the documents submitted in the IDS and once again requested an indication or explanation of the relevant sections of each document listed.

As explained in the Supplemental IDS submitted with this Response, IBM, who acquired Internet Security Systems, Inc., the owner of subject patent application, hired a professional patentability searcher to review the currently pending claims in the present patent application, review the documents listed in the previous IDS of July 21, 2005, and determine which of those documents are most pertinent. The searcher narrowed the large number of documents listed in the July 21, 2005, IDS down to the very much smaller number of documents identified in the Supplemental IDS. Applicant submits that the searcher's work in narrowing the list of documents provides a subset of documents that are believed to be of most significance to the claims of the present application.

To respond to this request by the Examiner for an indication or explanation of the relevant sections of each document listed in the Supplemental IDS submitted herewith, specific page numbers, as applicable, are provided for each document on Forms PTO-SB/08A and SB/08B submitted with the Supplemental IDS. As explained in the Supplemental IDS submitted with this Response, the professional patentability searcher hired to review the documents listed in the July 21, 2005, IDS identified these specific pages. These page numbers are provided to

indicate to the Examiner the relevant sections of each of the documents as requested by the Examiner. However, the Examiner should independently review and fully consider each of the documents listed in the Supplemental IDS and not rely solely on the page numbers provided.

CONCLUSION

Applicant submitted the July 21, 2005, IDS to fully comply with the duty of candor and good faith required by 37 C.F.R. § 1.56. Applicant respectfully submits that the USPTO has an obligation to review documents submitted in accordance with its own rules of practice.

Applicant further submits that the foregoing additional information and Supplemental IDS constitutes a complete response under 37 C.F.R. § 1.105 to the March 3, 2006, USPTO Office Action, subsequent July 26, 2006, Notice of Non-Compliant Amendment and further subsequent September 5, 2007 replacement Notice of Non-Compliant Amendment from the USPTO.

If the Examiner has any questions concerning this response or the Supplemental IDS submitted herewith, the Examiner is requested to contact the undersigned at 404-572-4691.

Respectfully submitted,

/James M. Hannon/

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